



05-22-03

DAE/KS

**SUBMISSION OF PETITION FOR REVIVAL**

Docket Number:

42390.P13765

First named inventor: David Harriman

Application No.: 10/041,028

Art Unit: 2152

Filed: December 28, 2001

Examiner: Unknown

Title: COMMUNICATING TRANSACTION TYPES BETWEEN AGENTS IN A COMPUTER SYSTEM USING PACKET HEADERS INCLUDING AN EXTENDED TYPE/EXTENDED LENGTH FIELD

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

Applicant(s) believe(s) that the above-identified application is being regarded by the United States Patent and Trademark Office (USPTO) as abandoned. Accordingly, applicant(s) submit(s) herewith a Petition for Revival of An Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing in accordance with 37 CFR § 1.137(f). The Petition fee required under 37 CFR § 1.17(m) is submitted herewith. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Applicant(s) respectfully submit(s) that the USPTO has misinterpreted the requirements of 35 U.S.C. § 122, causing the needless filing of the subject Petition, and respectfully requests a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid. The refund can be credited to Deposit Account No. 02-2666. If a refund is not forthcoming, applicant(s) reserve(s) the right to request a refund for the Petition fee based on a subsequent finding by the USPTO or a court of proper jurisdiction that the requirements of 35 U.S.C. § 122 have been misinterpreted.

Date

Signature

Telephone

Number: (408) 720-8300

Michael J. Mallie

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
Telephone Number: (408) 720-8300

36,591

Registration No.

This correspondence is being sent via express mail (Express Mail No. EV 336584562 US).

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MAY 23 2003

OFFICE OF PETITIONS

**STATEMENT:** The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

5/20/03  
Date

Signature

Telephone  
Number: (408) 720-8300

Michael J. Mallie

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
Telephone Number: (408) 720-8300

36,591

Registration No.

Enclosures:  Fee Payment

Additional Sheets containing statements establishing unintentional delay

Other: Submission of Petition to Revive

"Express Mail" mailing label number:  
EV 336584562 US

Date of Deposit: May 20, 2003

I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia, 22313-1450

5/20/03  
Date

  
Signature

Alice Tam

Typed or printed name of person signing certificate



**FEE CALCULATION (continued)**
**3. ADDITIONAL FEES**

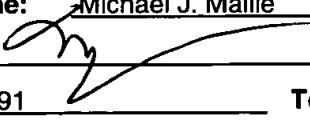
<u>Large Entity</u>		<u>Small Entity</u>			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>	<u>Fee Paid</u>
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	1300.00
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	750	2810	375	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(l) (except provisionals)	
1454	1,300	1454	1,300	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_ SUBTOTAL (3) \$ 1300.00

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Michael J. Mallie

Signature:  Date: 5/20/03

Reg. Number: 36,591 Telephone Number: 408-720-8300

**EXPRESS MAIL CERTIFICATE OF MAILING**

"Express Mail" mailing label number: EV 336584562 US

Date of Deposit: MAY 20, 2003

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ALICE T. AM  
Name of Person Mailing Paper or Fee

Signature of Person Mailing Paper or Fee

5/20/03  
Date Signed

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MAY 23 2003

OFFICE OF PETITIONS



#7

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN  
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number:  
42390.P13765

First named inventor: David Harriman

Application No.: 10/041,028 Art Unit: 2152

Filed: December 28, 2001 Examiner: Unknown

Title: COMMUNICATING TRANSACTION TYPES BETWEEN AGENTS IN A COMPUTER SYSTEM USING PACKET HEADERS INCLUDING AN EXTENDED TYPE/EXTENDED LENGTH FIELD

Attention: Office of Petitions Adjustment date: 00/00/0000  
05/23/2003 CNGUYEN 00000007 10041028  
**Mail Stop Petition** 01 FC:1453 -1300.00 UP

Commissioner for Patents

P. O. Box 1450 Repn. Ref: 06/17/2003 CKHLOK 0015205600  
Alexandria, VA 22313-1450 DA# 022666 Name/Number: 10041028  
FAX: (703) 308-6916 FC: 9204 \$1300.00 CR

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF  
THIS APPLICATION UNDER 37 CFR 1.137(b)**

**1. Petition fee**

- Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- Other than small entity – fee \$1,300.00 (37 CFR 1.17(m)).
- The Director is hereby authorized to charge the indicated fees and credit any overpayments to Deposit Account No. 02-2666.
- Fee is enclosed.

**2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))**

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is December 5, 2002.

05/23/2003 CNGUYEN 00000007 10041028

01 FC:1453

1300.00 UP

(Page 1 of 2)

SEND COMPLETED FORM TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>6/13/03</u>		2 Serial/Patent # _____									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/> Filing				\$							
<input type="checkbox"/> Amendment				\$							
<input type="checkbox"/> Extension of Time				\$							
<input type="checkbox"/> Notice of Appeal/Appeal				\$							
<input checked="" type="checkbox"/> Petition		7	S/20/03	\$ 1,300.00							
<input type="checkbox"/> Issue				\$							
<input type="checkbox"/> Cert of Correction/Terminal Disc.				\$							
<input type="checkbox"/> Maintenance				\$							
<input type="checkbox"/> Assignment				\$							
<input type="checkbox"/> Other				\$							
		7 TOTAL AMOUNT OF REFUND	\$ 1,300.00								
		8 TO BE REFUNDED BY:									
		Treasury Check									
<input type="checkbox"/> Overpayment		<input checked="" type="checkbox"/>	Credit Deposit A/C #:								
<input type="checkbox"/> Duplicate Payment			9 <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td>0</td><td>2</td><td>--</td><td>2</td><td>6</td><td>6</td><td>6</td></tr></table>		0	2	--	2	6	6	6
0	2	--	2	6	6	6					
<input checked="" type="checkbox"/> No Fee Due (Explanation):		<i>(37)(f) petition dismissed as moot</i>									
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Cliff Congo</u>		TITLE: <u>Petitions Attorney</u>									
SIGNATURE: <u>Cliff Congo</u>		PHONE: <u>305-0272</u>									
OFFICE: <u>Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****											
APPROVED: <u>Cliff Congo</u>		DATE: <u>6/16/03</u>									

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B